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18-CV-680

MEMO ENDORSED

JOAN JELEN

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FMC DEVERUS

PO Box 879

Ayer, MA 01432

MAY 10, 2020

JUDGE WILLIAM PAULEY III
UNITED STATES DISTRICT COURT
500 PEARL ST.

NEW YORK, NY 10007

RE: 18-CV-680

JELEN v. US MARSHAL

MOTION -- RECONSIDERATION

BT M

1- I AM THE PLAINTIFF IN THE ABOVE REFERENCED CIVIL ACTION. I AM PRO SE, AND PRESENTLY INCARCERATED AT FMC DEVERUS.

2- I AM REQUESTING THAT THIS COURT MODIFY IT'S ORDER DISMISSING THE CASE, BY INCORPORATING INSTRUCTIONS TO THE CLERK OF COURT TO FORWARD THE AMENDED COMPLAINT, DIRECTLY TO THE SUPREME COURT OF THE STATE OF NEW YORK, NEW YORK COUNTY TO INITIATE THE MEDICAL MALPRACTICE ACTION AGAINST DEFENDANTS BETH ISRAEL MT. SINAI MEDICAL CENTER, TEMIMA LEVINE AND JOSHUA ALAB.

2A- I AM REQUESTING THIS COURT'S ACCOMMODATION FOR SEVERAL REASONS:

i- SINCE APPROXIMATELY MARCH 17, 2020, I HAVE BEEN CONFINED TO THE CRITICAL CARE UNIT OF FMC DEVERUS, AND, UNDER VARYING DEGREES OF MEDICAL ISOLATION DUE TO MY HIGH-RISK

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STATUS UNDER COVID-19 PRECAUTIONS. AS SUCH, I HAVE HAD, AND DO NOT ANTICIPATE ACCESS TO, ANY LEGAL RESOURCES TO ATTEMPT TO INITIATE THE NYS ACTION DIRECTLY.

ii - OUT OF AN ABUNDANCE OF CAUTION, IN LIGHT OF THE NYS STATUTE OF LIMITATIONS, TO AVOID THE DEFENDANTS FROM AVOIDING LIABILITY, DUE TO THE FACT THAT THE STATUTE-TIME LIMIT EXPIRES DURING THE EXECUTION OF THIS CLAIM BEFORE YOUR HONOR.

iii - THE UNAVAILABILITY OF SUPREME COURT RESOURCES, DUE TO BOTH MY FEDERAL INCARCERATION AND THE COVID-19 QUARANTINES BOTH AT THE SUPREME COURT LEVEL AND MY FUTURE CIRCUMSTANCES.

3 - I AM OF THE BELIEF THAT COURTS OCCASIONALLY GRANT A DEFENDANT WITH SUCH LITIGATION TRANSFERS TO STATE-COURTS. AND, GIVEN THE EXTREME PRESENT CIRCUMSTANCES, DEADLINES, AND THE CONSTRAINTS THEY HAVE PLACED ON BOTH ME AND THE STATE COURT, I REQUEST THIS COURT'S ACCOMMODATION, AS WELL AS ANY OTHER RELIEF THIS COURT WISHES TO GRANT.

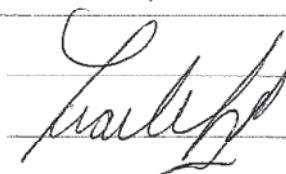
Application denied. This Court refers Plaintiff to 28 U.S.C. § 1367 for guidance on the appropriate time to file his state court complaint. A copy of this Order is being mailed by Chambers staff to Plaintiff.

Dated: June 9, 2020
New York, New York

SO ORDERED:


WILLIAM H. PAULEY III
U.S.D.J.

Respectfully Submitted,

 SENT JUNE